

BILL NO. G-86-07-02

GENERAL ORDINANCE NO. G- 28-86

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a dedicated plat.

WHEREAS, a petition to vacate a dedicated plat within  
the City of Fort Wayne (as more specifically described  
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having  
held a public hearing on said vacation as provided in  
I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of  
the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed hereing to vacate  
a public alley within the City of Fort Wayne, more specifi-  
cally described as follows, to-wit:

Part of the East Half of the Southwest Quarter of  
Section 27, Township 31 North, Range 12 East, Allen  
County, Indiana, more particularly described as  
follows, to-wit:

Commencing at the Northeast corner of said Southwest  
Quarter; thence South 00 degrees 13 minutes East (deed  
bearing and is used as the basis for the bearings in  
this description), a distance of 419.7 feet; thence  
North 90 degrees 00 minutes West, a distance of 634.1  
feet; thence South 00 degrees 13 minutes East, a  
distance of 19.9 feet; thence North 90 degrees 00  
minutes West, a distance of 34.2 feet to the true  
point of beginning; thence North 90 degrees 00 minutes  
West, a distance of 604.0 feet to a point situated  
40.0 feet East of the centerline of Harris Road;  
thence South 00 degrees 13 minutes East and parallel  
to said centerline, a distance of 400.0 feet; thence  
South 90 degrees 00 minutes East, a distance of 664.0  
feet; thence North 00 degrees 13 minutes West, a  
distance of 200.0 feet; thence North 90 degrees 00  
feet West, a distance of 60.0 feet; thence North 00



Bill No. G-86-

Page two

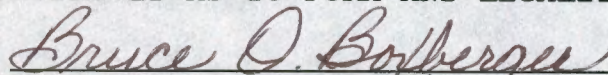
degrees 13 minutes West, a distance of 200.0 feet to the true point of beginning, containing 5.822 acres of land, subject to all easements of record,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

  
\_\_\_\_\_  
-COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Bruce O. Boxberger, City Attorney

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_ 1986, in the  
Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by Cistich  
seconded by Redd, and duly adopted, read the second time  
by title and referred to the Committee Regulation (and the C  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wa  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,

DATE: 7-8-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Cistich  
seconded by Redd, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: 8-12-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. 9-28-86

on the 12th day of August, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the 13th day of August, 1986

at the hour of 11:30 o'clock 7 .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August  
1986, at the hour of 10 o'clock A .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

PETITION TO VACATE OLYMPIA HEIGHTS ADDITION

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following Olympia Heights Addition within the City of Fort Wayne, Indiana, and hereby described as follows:

SEE ATTACHED LEGAL DESCRIPTION

In support thereof, your petitioner would represent as follows:

1. That it is not economically feasible to develop the real estate as platted.
2. That the maintenance of said Addition is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof to vacate said Addition.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above described Addition be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_.

ANTHONY WAYNE BANK

\_\_\_\_\_  
Adjacent Property Owner's Signature

\_\_\_\_\_  
Adjacent Property Owner's Address

\_\_\_\_\_  
Adjacent Property Owner's Signature

\_\_\_\_\_  
Adjacent Property Owner's Address

\_\_\_\_\_  
Adjacent Property Owner's Signature

\_\_\_\_\_  
Adjacent Property Owner's Address

BY: Anthony Wayne Bank  
Petitioner's Signature U. C. B. Bank

203 East Berry Street  
Fort Wayne, Indiana 46802  
\_\_\_\_\_  
Petitioner's Address

Stephen J. Wesner  
Joe Goldstine & Son, Inc.  
625 Lincoln Tower  
Fort Wayne, Indiana 46802  
\_\_\_\_\_  
Agent's Name & Address



# DESCRIPTION

Part of the East Half of the Southwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northeast corner of said Southwest Quarter; thence S 00°-13' E (deed bearing and is used as the basis for the bearings in this description), a distance of 419.7 feet; thence N 90°-00' W, a distance of 634.1 feet; thence S 00°-13' E, a distance of 19.9 feet; thence N 90°-00' W, a distance of 34.2 feet to the true point of beginning; thence N 90°-00' W, a distance of 604.0 feet to a point situated 40.0 feet East of the centerline of Harris Road; thence S 00°-13' E and parallel to said centerline, a distance of 400.0 feet; thence S 90°-00' E, a distance of 664.0 feet; thence N 00°-13' W, a distance of 200.0 feet; thence N 90°-00' W, a distance of 60.0 feet; thence N 00°-13' W, a distance of 200.0 feet to the true point of beginning, containing 5.822 acres of land, subject to all easements of record.

This property is in Zone A3, Zone B and Zone C according to Flood Insurance Rate Map 180003 0015 B, effective April 3, 1985.

## CERTIFICATE OF SURVEY

d of a resurvey of land and real estate prepared in  
hed rules of surveying and made in accordance with the



## RESOLUTION

WHEREAS, ANTHONY WAYNE BANK has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat in Fort Wayne, Allen County, to-wit:

Part of the East Half of the Southwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 13 minutes East (deed bearing and is used as the basis for the bearings in this description), a distance of 419.7 feet; thence North 90 degrees 00 minutes West, a distance of 634.1 feet; thence South 00 degrees 13 minutes East, a distance of 19.9 feet; thence North 90 degrees 00 minutes West, a distance of 34.2 feet to the true point of beginning; thence North 90 degrees 00 minutes West, a distance of 604.0 feet to a point situated 40.0 feet East of the centerline of Harris Road; thence South 00 degrees 13 minutes East and parallel to said centerline, a distance of 400.0 feet; thence South 90 degrees 00 minutes East, a distance of 664.0 feet; thence North 00 degrees 13 minutes West, a distance of 200.0 feet; thence North 90 degrees 00 feet West, a distance of 60.0 feet; thence North 00 degrees 13 minutes West, a distance of 200.0 feet to the true point of beginning, containing 5.822 acres of land, subject to all easements of record,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 15, 1985, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated plat.

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated plat or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

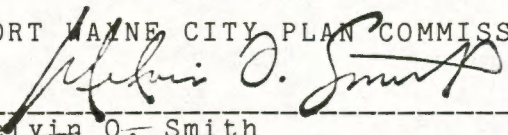
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated plat in Allen County, Indiana.

STATE OF INDIANA)  
 ) SS:  
COUNTY OF ALLEN )

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 25 November 1985, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 14 DAY OF July 1986

FORT WAYNE CITY PLAN COMMISSION

  
\_\_\_\_\_  
Melvin O. Smith  
Secretary



RESOLUTION 76-81-10

WHEREAS, ANTHONY WAYNE BANK has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, to-wit:

Part of the East Half of the Southwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 13 minutes East (deed bearing and is used as the basis for the bearings in this description), a distance of 419.7 feet; thence North 90 degrees 00 minutes West, a distance of 634.1 feet; thence South 00 degrees 13 minutes East, a distance of 19.9 feet; thence North 90 degrees 00 minutes West, a distance of 34.2 feet to the true point of beginning; thence North 90 degrees 00 minutes West, a distance of 604.0 feet to a point situated 40.0 feet East of the centerline of Harris Road; thence South 00 degrees 13 minutes East and parallel to said centerline, a distance of 400.0 feet; thence South 90 degrees 00 minutes East, a distance of 664.0 feet; thence North 00 degrees 13 minutes West, a distance of 200.0 feet; thence North 90 degrees 00 feet West, a distance of 60.0 feet; thence North 00 degrees 13 minutes West, a distance of 200.0 feet to the true point of beginning, containing 5.822 acres of land, subject to all easements of record,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated plat hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated plat or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, David J. Kiester, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 16, 1986 and as same appears of record in the official records of the Board of Public Works.



DATED THIS 16<sup>th</sup> DAY OF July 1986  
FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester  
David J. Kiester  
Director of Public Works

Cosette R. Simon  
Cosette R. Simon  
Director of Administration & Finance

Lawrence D. Consalvos  
Lawrence D. Consalvos  
Director of Public Safety



check # 132508 **RECEIPT**

COMMUNITY DEVELOPMENT & PLANNING

No 472

FT. WAYNE, IND., 9-24 1985

RECEIVED FROM GTE \$50.00

THE SUM OF Fifty & 00/100 DOLLARS

ON ACCOUNT OF vacation - olympics Heights

B. Steele

AUTHORIZED SIGNATURE



**Division of Community  
Development & Planning**

**BRIEF TITLE**

**APPROVAL DEADLINE**

**REASON**

Plat Vacation Ordinance

**DETAILS**

**Specific Location and/or Address**

Plat of Olympia Heights east of Harris Road.

**Reason for Project**

In order to give property a resale value. Anthony Wayne Bank did not feel property would sell as platted.

**Discussion (Including relationship to other Council actions)**

18 November 1985 - Public Hearing

Howard Zimmerman, representing the Anthony Wayne Bank stated that the bank was the owner due a foreclosure. He stated that they have exposed the property to public sale for over two years and have had no takers, with the exception of GTE who placed an aerial on the property. He stated that the Bank does not believe the property will sell as platted. He stated that they felt the platting was incorrect.

Duane Embury stated that they presently have sanitary sewers in the platted area and perhaps water lines and asked if they intended to maintain the lines.

Mr. Zimmerman stated he did not know what the intentions of the Bank were. He stated that it was at the recommendation of the broker that they vacate the plat. He stated if the plat is vacated the Bank will do what is necessary to remove or maintain the lines for the use of potential purchasers.

**POSITIONS**

**RECOMMENDATIONS**

**Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

**Applicant(s)**

Anthony Wayne Bank  
City Department

Other

**Opponents**

**Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**

☒ For

☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

**By**

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass

☐ Other

☐ Pass (as  
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass



# DETAILS

David Kiester stated in the original plat they dedicated an additional amount of r/w on Harris Road.

Mr. Zimmerman stated that they have no problems leaving that property as dedicated right-of-way.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

25 November 1985 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the condition that a new legal be submitted eliminating the dedicated Harris Road right-of-way, motion carried.

Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote.

NOTE: The new legal has been submitted eliminating Harris Road. This has been the delay in forwarding this request to Council.

## POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date

24 September 1985

Projected Completion or Occupancy

Date

14 July 1986

Fact Sheet Prepared by

Date

14 July 1986

Patricia Biancaniello

Reviewed by

Date

14 July 1986

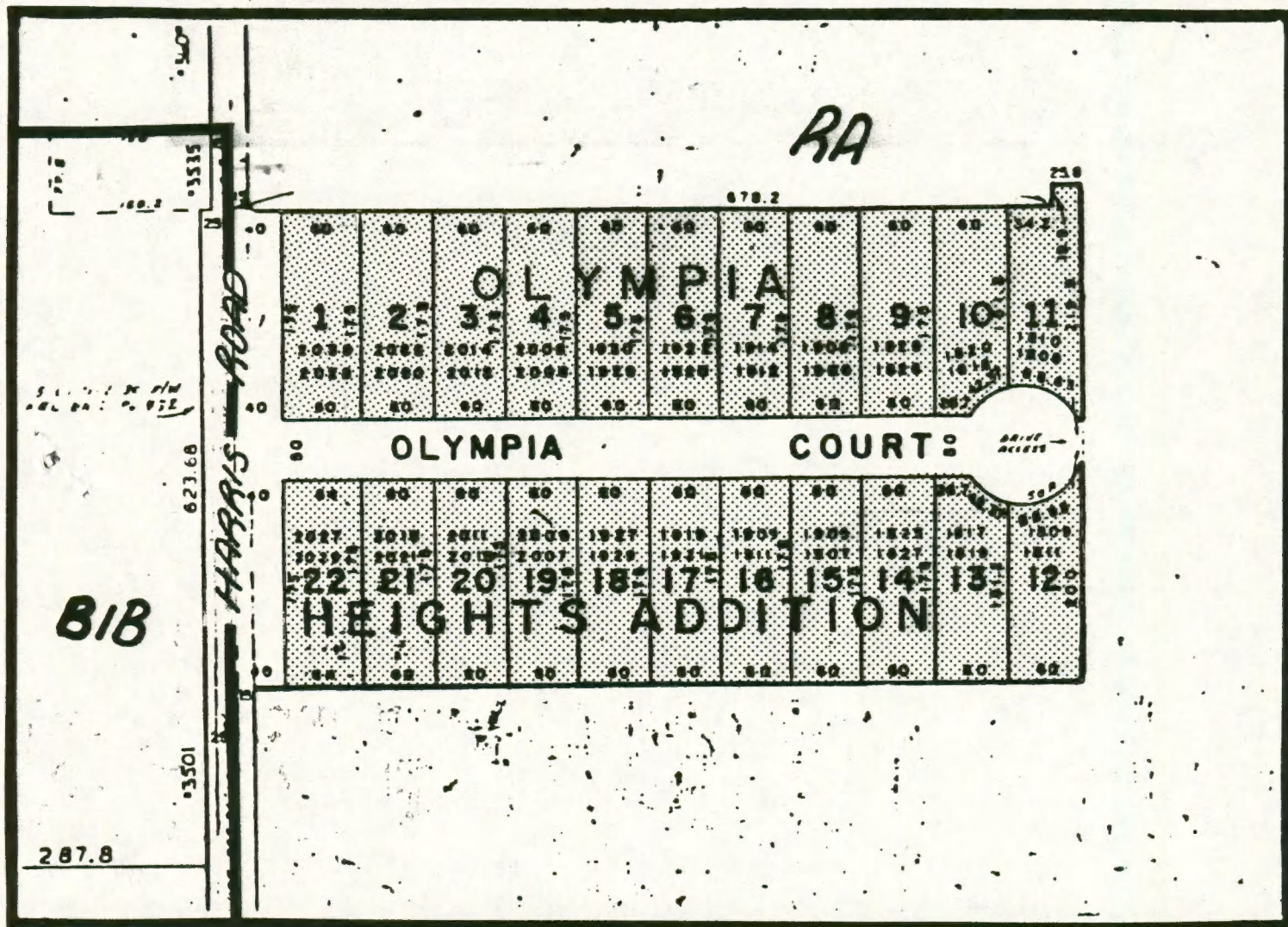
Reference or Case Number



A PETITION TO VACATE THE DESCRIBED ADDITION.

MAP NO. J-22

COUNCILMANIC DISTRICT NO. 3



Zoning:

Land Use:

RA RESIDENCE 'A'

BIB LIMITED BUSINESS 'B'



Scale: 1" = 150'

22 Date: 10-28-85



ORIGINAL

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE \_\_\_\_\_ Plat Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Land Use Management - CD&P *D-86-07-02*

SYNOPSIS OF ORDINANCE \_\_\_\_\_ Olympia Heights - just off of Harris Road

EFFECT OF PASSAGE \_\_\_\_\_ Property is now a dedicated plat if vacated plat will  
no longer exist.

EFFECT OF NON-PASSAGE \_\_\_\_\_ Property will remain a dedicated plat.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_



BILL NO. G-86-07-02

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a  
dedicated plat

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

BEN A. EISBART  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 8-12-86

SANDRA E. KENNEDY  
CITY CLERK